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P&G Case 4546 RC2D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

James W. Cree et al.

: Confirmation No. 1077

Serial No. 09/304,716

: Group Art Unit 3761

Filed May 4, 1999

: Examiner Kidwell, Michelle M

Confirmation No. 1077.

For **ABSORBENT ARTICLE HAVING FUSED LAYERS**

Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Sir,

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TECHNOLOGY CENTER R3700

RESPONSE

This is responsive to the Office Action mailed on September 25, 2002. Several attempts were made to reach Examiner Kidwell to set up an interview, however these attempts were unsuccessful due to the fact that Examiner Kidwell was out of the Office on leave.

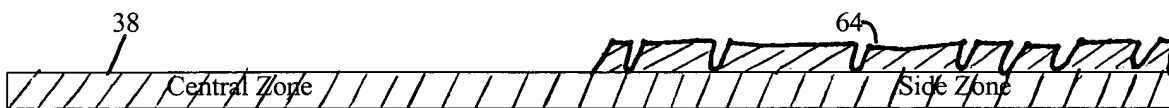
Rejection Under 35 U.S.C. § 102 (e)

Claims 6-8 and 10-12 stand rejected under 35 USC 102 (e) as being anticipated by Freeland, et al. (U.S. Patent No. 5,019,066).

Applicants respectfully traverse the rejections to Claims 6-8 and 10-12.

As to both independent claims 6 and 12, the Examiner contends that Freeland, et al. discloses a sanitary napkin having a liquid permeable top layer, a liquid impermeable back layer (42), and a liquid absorbent core disposed between the top layer and the bottom layer (44). The top layer has a central zone and side zones at both sides of the central zone (Figure 1-2). The top layer is said to include an upper layer of thermoplastic synthetic resinous material (64) and a lower layer of thermoplastic synthetic fibers (38) that is more hydrophilic than the core. The upper and lower layers are intermittently bonded together (78) in the side zones with the central layer being thicker than the side zone as set forth in Figure 2. Contrary to the opinion stated by the Examiner, Freeland, et al. does not anticipate Claim 6 and Claim 12 of the present invention because it does not teach each and every element of the independent claims.

Applicants' invention according to Claims 6 and 12, require a liquid permeable top layer having a central zone and side zones at both sides of said central zone. The top layer includes an upper layer and a lower layer. Moreover, the invention in Claims 6 and 12 requires the central zone of the top layer to be thicker than the side zones. The Applicant's respectfully disagree with the Examiner's opinion that Freeland discloses a top layer with side zones (64) in Figure 2. Figure 2 shows a fragmental sectional view of a waistpanel (64) on the ends not the sides of a diaper. Nevertheless, even if Freeland did disclose a top layer with a central zone and side zones, the central zone of the top layer is not thicker than the side zones. If anything, Freeland teaches the opposite configuration. As shown in Figure 2, the side zone includes topsheet (38) and waistpanel (64), whereas the central zone only includes topsheet (38). Thus, the central zone of Freeland, et al. is thinner, not thicker, than the side zones. Only if one were to improperly include the core (44) would the central zone be thicker. If one were to remove the core (44) and backsheet (42) from Figure 2 of Freeland, Figure 2 would look something like this:



Clearly, the top layer's central zone in Freeland, et al is thinner than the top layer's side zone. As Freeland, et al. fails to teach or disclose each and every element of Claims 6 and 12, these claims cannot be anticipated by Freeland, et al. As to the remaining Claims, 7-8 and 10-11, they all depend directly from independent claim 6 and are therefore not anticipated by Freeland, et al. for the same reasons as given above with respect to Claim 6 and Claim 12. The Examiner is respectfully requested to withdraw the rejection under 35 USC 102.

CONCLUSION

No new matter has been added by the Amendment.

Applicants respectfully request entry of this amendment and allowance of all claims. Early and favorable action is respectfully requested.

Respectfully submitted,

By

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12/12/02